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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/591,012

08/29/2006

William E. Eckles

TAS-6969PCT/US

4831

26294 7590 12/06/2010  
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EXAMINER

WONG, EDNA

ART UNIT

PAPER NUMBER

1759

MAIL DATE

DELIVERY MODE

12/06/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/591,012	ECKLES ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	EDNA WONG	1759	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-14 and 16-19 is/are pending in the application.
- 4a) Of the above claim(s) 3,4,6,8-14 and 16-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

This is in response to the Amendment dated November 9, 2010. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office Action.

### ***Response to Arguments***

#### Election/Restrictions

This application contains claims **3-4, 6, 8-14 and 16-19** drawn to an invention nonelected without traverse in the reply filed on March 29, 2010. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

#### Claim Rejections - 35 USC § 103

Claims **1-2 and 7** have been rejected under 35 U.S.C. 103(a) as being unpatentable over **WO 00/14305** ('305) in view of **Sonntag et al.** (US Patent No. 6,652,728 B1) and **Fenyés et al.** (US Patent No. 4,506,081).

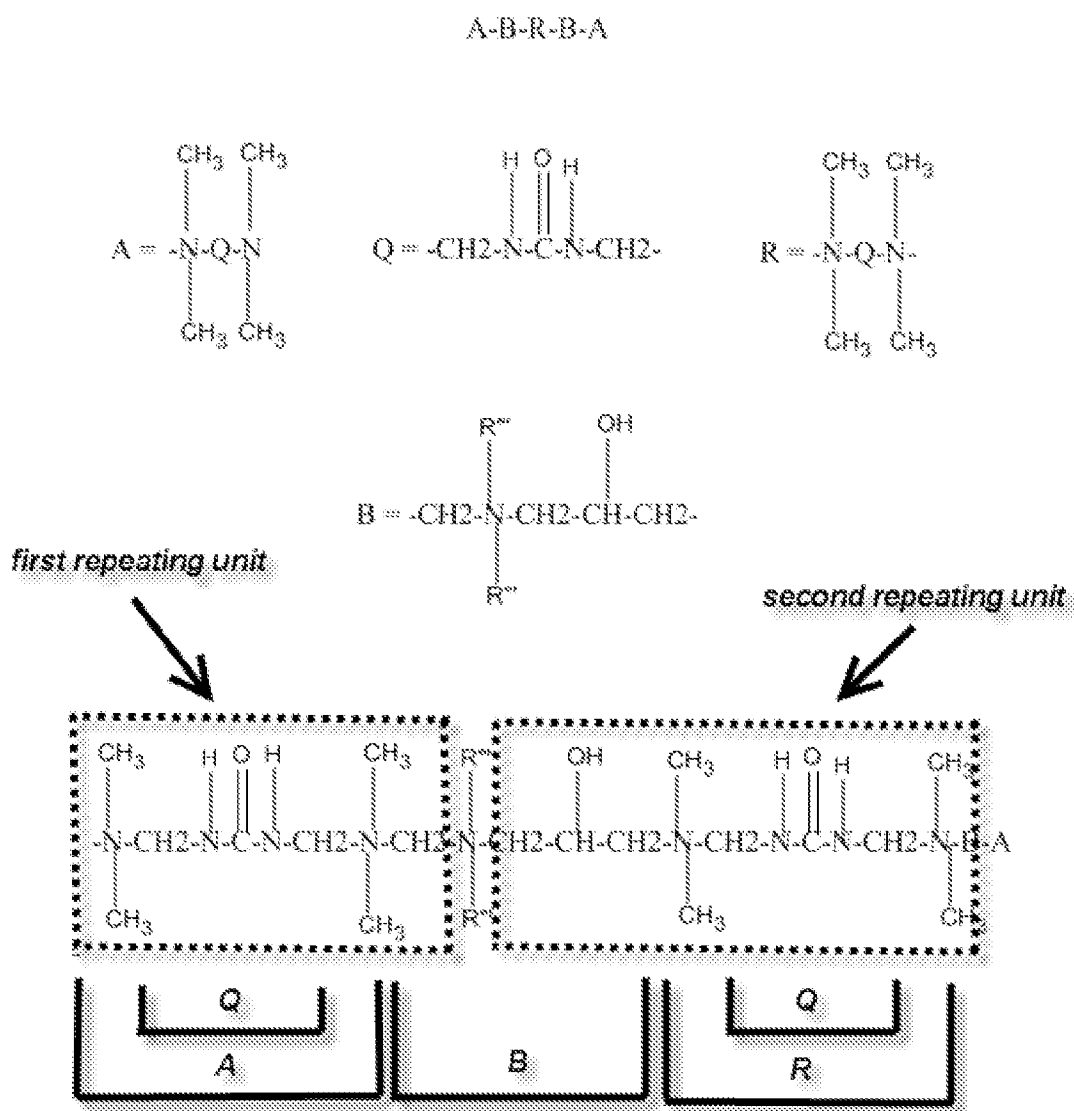
The rejection of claims 1-2 and 7 under 35 U.S.C. 103(a) as being unpatentable over WO 00/14305 ('305) in view of Sonntag et al. (US Patent No. 6,652,728 B1) and Fenyés et al. is as applied in the Office Action dated June 8, 2010 and incorporated herein. The rejection has been maintained for the following reasons:

Applicants state that as discussed in the telephone conversation with the Examiner on November 9, 2010, Fenyés et al. do not teach the second repeating unit

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having the general structure (2A).

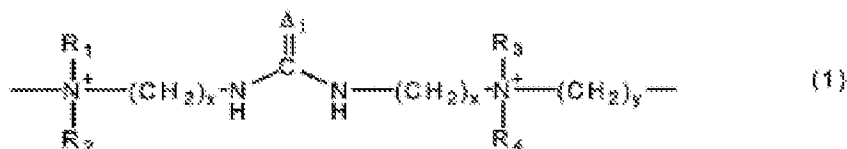
In response, the Examiner has drawn out Fenyes' structure of A-B-R-B-A and cannot say that Fenyes does not teach the second repeating unit having the general structure (2A) because Fenyes teaches it:



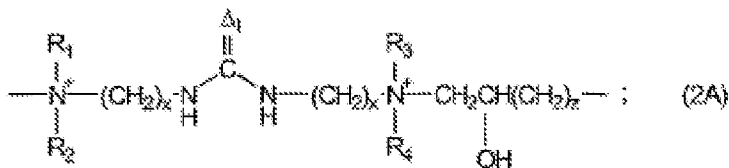
. As can be seen from the drawing, the first repeating unit and the second repeating unit are in the same polymer chain.

As for the additional NR<sup>'''</sup>R<sup>'''</sup> group in the polymer chain, claim 1, lines 4-16, recite:

“the at least one polyamine or mixture of polyamines including a first repeating unit that has the general formula:



and a second repeating unit that has the general formula:



where  $\Delta_1$  is O, N, or S; x is an integer from 2 to 6; y is an integer from 1 to 6; z is an integer from 1 to 6; R<sub>1</sub>, R<sub>2</sub>, R<sub>3</sub>, and R<sub>4</sub>, which is the same or different, is methyl, ethyl, isopropyl, n-propyl, hydroxyethyl, or -CH<sub>2</sub>CH<sub>2</sub>(OCH<sub>2</sub>CH<sub>2</sub>)<sub>m</sub>OH; m is a number between 0-6.”

The transitional term “comprising”, which is synonymous with “including”, “containing”, or “characterized by”, is inclusive or open-ended and does not excludes additional, unrecited elements or methods steps (MPEP § 2111.03). Thus, the polyamine as presently claimed is open to include a NR<sup>'''</sup>R<sup>'''</sup> group.

***Response to Amendment***

***Claim Objections***

Claim 1 is objected to because of the following informalities:

Claim 1

line 16, it is suggested that the word -- and -- be inserted after “-  
CH<sub>2</sub>CH<sub>2</sub>(OCH<sub>2</sub>CH<sub>2</sub>)<sub>M</sub>OH;”.

line 16, it is suggested that the word -- and -- be inserted after the number “6;”.

Appropriate correction is required.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDNA WONG whose telephone number is (571) 272-1349. The examiner can normally be reached on Mon-Fri 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexa Neckel can be reached on (571) 272-1446. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Edna Wong/  
Primary Examiner  
Art Unit 1759

EW  
December 2, 2010